

**TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. 1002**

**AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO,  
REGARDING THE 2009 COMPREHENSIVE AMENDMENTS TO THE TOWN  
OF FREDERICK MUNICIPAL CODE, 1992.**

**WHEREAS**, the Board of Trustees of the Town of Frederick finds it necessary to amend the Town of Frederick Municipal Code, 1992, to make the Code consistent with Town practices, to repeal inapplicable and remnant provisions, and to clarify and improve public understanding of Town procedures.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1.** Subsections 1-72 (a) and (e) and Section 1-73 of Chapter 1, Article IV (General Penalties) of the Frederick Municipal Code, 1992 are hereby repealed in their entirety and reenacted to read as follows:

**Sec. 1-72.     Fines and penalties.**

“(a) Any person convicted of a non-criminal violation, as designated in Section 10-7(c) of this Code, may be fined by an amount not to exceed one thousand dollars (\$1,000.00).”

“(e) Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge.”

**“Sec. 1-73.     Application of penalties to juveniles.** Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code classified as noncriminal pursuant to Section 10-7(c) herein, or classified as criminal pursuant to Section 10-7(d) herein, shall be punished by a fine of not more than one thousand dollars (\$1,000.00). Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge.”

**Section 2.** The following sections of Chapter 2, Article III (Officers and Employees) of the Frederick Municipal Code, 1992 are hereby repealed in their entirety and reenacted to read as follows:

**“Sec. 2-51. Salaries generally.** The salary of the Mayor and any Trustee of the Town shall not be increased or diminished during the term for which he or she has been elected or appointed except in the case of abolition of an office, in which case the compensation of the office shall cease at the time of such abolishment. The Mayor, any Trustee and any officer of the Town who has resigned or vacated an office prior to the end of his or her elective or appointive term shall not be eligible to reelection or reappointment to the same during such term if during such term the compensation has been increased. (Prior code 4.3; Ord. 488, § 1, 1997)

**“Sec. 2-52. Town Clerk; salary; bond.** A Town Clerk shall be appointed within one (1) month after each general municipal election. The Town Clerk shall receive as full compensation for his or her services as such Clerk the sum set by the Town’s administrative salary schedule, payable in equal monthly payments. Before entering upon the duties of the office, a surety bond shall be purchased for the Town Clerk, premium to be paid by the Town through its insurance policy, conditioned upon the faithful discharge of his or her duties as Town Clerk and that, when he or she shall vacate such office, he or she will turn over and deliver to his or her successor all monies, books, papers, property or things belonging to the Town and remaining in his or her hands as Town Clerk. (Prior code 4.5)

**“Sec. 2-53. Duty to keep records.** The Town Clerk shall have the custody of all the laws, ordinances and resolutions of the Town, and shall keep a regular and correct journal of the proceedings of the Board of Trustees. The Town Clerk shall record all ordinances and resolutions passed by the Board of Trustees in books provided for such purpose, and shall publish all ordinances and other matters requiring publication and keep proofs thereof. The Town Clerk shall keep on file all contracts and leases to which the Town is a party, all deeds and other instruments relating to Town-owned real estate, and all reports of officers to the Board of Trustees. The Town Clerk shall keep and maintain all Town records in accordance with the State Model Retention Code. The Town Clerk shall have custody of the seal of the Town and shall affix the same to all instruments as may be required. The Town Clerk shall perform such other duties as may be required by this Code. (Prior code 4.5-1)

**“Sec. 2-55. Deputy and Assistant Town Clerks.** The Board of Trustees shall appoint a Deputy Town Clerk and as many assistants as are necessary, within the limitations of the Town budget. Before entering upon the duties of their positions, a surety bond shall be purchased for such persons, premium to be paid by the Town through its insurance policy, conditioned upon the faithful performance of their duties and for the proper care and accounting of all monies and property coming into their hands. Such persons shall be under the direct supervision of the Town Clerk and shall hold office at the pleasure of the Board of Trustees. (Prior code 4.5-3)

**“Sec. 2-56. Town Treasurer; salary; bond.** A Town Treasurer shall be appointed one (1) month after the general municipal election. Before entering upon the duties of his or her office, a surety bond shall be purchased for the Town Treasurer, premium to be paid by the Town through its insurance policy, conditioned upon the faithful discharge of his or her duties as Treasurer, and that when he or she shall vacate such office, he or she will turn over and deliver to his or her successor all monies, books, papers, property or things belonging to the Town and remaining in his or her charge as such Treasurer. (Prior code 4.6)

**“Sec. 2-61. Appointive officers; appointments and removal.** Each Board of Trustees, upon taking office, within one (1) month after each general municipal election, shall proceed to the election and appointment of the following officers: one (1) Town Attorney; one (1) Clerk; one (1) Treasurer; and one (1) Municipal Judge; and such other officers as may be required by statute or this Code. On the election of such officers, the Mayor may vote only in the case of a tie. One (1) person may hold two (2) or more offices if compatible with the interest of the Town. Each and every such officer may be removed by a majority vote of the Board of Trustees on charges of incompetence, unfitness, neglect of duty or insubordination, duly made and sustained. (Prior code 4.7; Ord. 359, § 1, 1992)

**“Sec. 2-70. Reports to Board of Trustees.** The Town Treasurer shall, at least once each month, report in writing to the Board of Trustees all receipts and disbursements of the Town for the preceding month, and they shall annually, report to the Board of Trustees all receipts and disbursements of the Town during the preceding year. Said annual reports shall show the total receipts and disbursements of funds. (Prior code 4.10-6)

**“Sec. 2-74. Department created; control of officers.** Before entering upon the duties of his or her office, every elected or appointed officer of the Town shall take and subscribe an oath or affirmation that he or she will support the Constitutions of the United States and the State, the laws of the State and the ordinances of the Town; and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Prior code 4.13)”

**Section 3.** Subsections 2-144 (b)(1) and 2-145 of Chapter 2, Article VI (Municipal Court) of the Frederick Municipal Code 1992 are hereby repealed in their entirety and reenacted to read as follows:

**“Sec. 2-144. Municipal Judges.**

...

(b) Compensation.

**"Sec. 10-178. Impersonating a public servant.**

(a) A person commits impersonating a public servant if he or she falsely pretends to be a public servant other than a peace officer and performs any act in pretended capacity.

(b) It is no defense to a prosecution under this section that the office the actor pretended to hold did not in fact exist."

**Section 27.** Section 10-179. of Chapter 10, Article IX (Offenses-Governmental Operations) of the Frederick Municipal Code is hereby repealed and re-enacted to read as follows:

**"Sec. 10-179. Escape.** When held in custody or confinement, it shall be unlawful to knowingly escape from said place of custody or confinement."

**Section 28.** Subsections 10-191. (a)(6) and 10-193. (a)(4) and Section 10-197. of Chapter 10, Article X (Offenses Against Public Peace, Order and Decency) of the Frederick Municipal Code are hereby repealed and re-enacted to read as follows:

**"Sec. 10-191. Disorderly conduct.**

-- "(a)(6) Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm."

**Sec. 10-193. Harassment.**

"(a)(4) Initiates communication with a person, anonymously or otherwise by telephone, computer, computer network, computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network, or computer system that is obscene; or"

**"Sec. 10-197. Throwing missiles at vehicles.** It shall be unlawful to knowingly project any missile at or against any vehicle or equipment designed for the transportation of persons or property."

**Section 29.** Subsection 10-193. (a)(7) of Chapter 10, Article X (Offenses Against Public Peace, Order and Decency) of the Frederick Municipal Code, 1992 is hereby enacted to read as follows:

**Sec. 10-193. Harassment.**

“(a)(7) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another’s home or private residence or other private property.”

**Section 30.** The following Sections of the Frederick Municipal Code, 1992, are hereby repealed in their entirety:

- §§ 2-27, 2-31, 2-32, 2-54, 2-56; 2-58 through 2-60; 2-63 through 2-69; 2-71; 2-72; 2-75; 2-91 through 2-96; 2-145(b); 2-186
- §§ 4-12 through 4-14; 4-17; 4-18 (1), (2), and (3); 4-72; 4-100
- §§ 6-69 and 6-71
- §§ 7-1 through 7-14; 7-71 through 7-87
- §§ 8-81 through 8-84; 8-107 (a)
- §§ 10-1, 10-6; 10-64, 10-66 (b); 10-191(a)(6); 10-250(c)

**Section 31. Effective date.** This ordinance shall be published and become effective as provided by law.

**Section 32. Severability.** If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

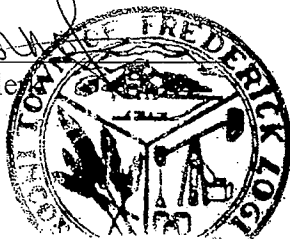
**Section 33. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED  
THIS 26<sup>th</sup> DAY OF MAY, 2009.**

**ATTEST:**

By

Nanette S. Fornof, Town Clerk



**TOWN OF FREDERICK**

Eric E. Doering, Mayor